

Fleming County Project Development Board
201 Court Square, Courthouse Annex
Flemingsburg, KY 41041
Record of Meeting Minutes, January 15, 2008, 5:00 pm Eastern

AOC CONSTRUCTION FILE
COUNTY: FLEMING
FILE CODE: PDB 4
SUBMITTED BY: J/L
DATE: 18 June 2008

The meeting was called to order at 5:02 pm by Chairperson CJE Larry H. Foxworthy. Roll Call was completed as noted below:

Present: Honorable W. Todd Walton II, Honorable Larry H. Foxworthy, Pam Lowe, Marvin W. Suit, Louie Flanery, David DeAtley, Honorable Stockton B. Wood, J. Scott Brow, Garlan Vanhook and Michael Kier

Other Attendees: Keith Brock, Ross, Sinclair and Associates
Sam Howard, Trace Creek Construction
Michael Carroll and Eric Chambers, Brandstetter Carroll, Inc.

Old Business:

Approval of Minutes

Upon review of the November 2007 minutes, Suit stated the characterization of minutes and use of editorial comment does not reflect actual comments made at meeting. Statement in question: *Public Comments: Citizens expressed concern over lack of support for downtown revitalization efforts, city's storm drainage problems and appropriations for demolition and site development.* Vanhook recalled that after architect's presentation and board's discussion, some people may have asked relative questions to drainage, cause and effects and how it may be handled and suggested to modify minutes by highlighting only topics of discussion and itemize points. The public made no comment. The minutes of November 13, 2007 meeting will be redrafted for review at next meeting. Item tabled.

Approval of Executive Decision

A motion was made to approve the executive decision by Kier and Foxworthy to procure services from Mary M. Clay, MAI to prepare thirteen appraisals of West Main Street and West Water Street locations at the request of County Judge/Executive Larry H. Foxworthy for the amount of \$ 6,000.00. Motion by Brown. Seconded by DeAtley. All in favor.

New Business:

Appraisals Review

Mary M. Clay, MAI Appraiser, prepared appraisals for presentation to board. Brown asked if appraisals would be reviewed in open or closed session? Foxworthy: How it was normally done, in public or not? Vanhook: This is the acquisition of property and to be negotiating by fair market value. If the value is public, that potentially could jeopardize the negotiations. But it is a board's decision. This doesn't mean that is won't be presented in some form, but the board should have the opportunity to review the info in candor and it will not change Clay's opinion. Foxworthy: Who wants closed or open session to review appraisals? Vote tallied: Brown-Closed, Flaney-Closed, Suit-Closed, DeAtley- Either, Walton-Closed, Lowe-Closed, Wood- Closed. Foxworthy stated the consensus of the board is to review the appraisals in closed session. Public asked if anyone has seen the appraisal yet. Foxworthy responded, no.

Foxworthy: Next item to approve claims and discuss board secretary's pay. Foxworthy/Gray reviewed previous motion of pay was for \$ 100/regular monthly meeting and \$ 10/hour for each special call meeting. The subject of what is special call meeting or regular was reviewed. Vanhook referred to AP Part X requires fiscal court to provide administrative support. Gray explained she understood that if a regular meeting was rescheduled than it became a special call meeting therefore her pay would be cut. Vanhook: The bills will ultimately be paid by AOC, and asked what was unfair about original process? Normal "regular meetings" are once a month, if they are rescheduled that does not mean it is "special call", its still a regular meeting. Gray asked if you change a date of a regular meeting is it considered "special" or "regular". Vanhook stated for secretarial duties falling under this board it is regular business. Wood asked if Gray tracks all time for meeting items. Gray responded, not during business hours. Vanhook stated that falls under AP Part X that the County Judge provides an avenue for work here through the fiscal court. The county is to provide support. Vanhook stated if she is approved to get \$100/meeting she will be the highest paid one they have. Foxworthy asked what the other counties are paying. Vanhook: They are doing the same; this is the board's judgment. It should be a fee to do the board's business at regular meetings and hourly for any other meetings. The hourly wages come before the board to review. The course of the project the secretarial fees should be around \$ 3,500 to \$4,500 at the most. Foxworthy stated the work is in addition to regular duties and the phones calls, emails and meetings are a lot. Vanhook: We are developing a plan to handle and it is not in the best interest of the project to do that one day a month. Extra meetings would not be many and he has to recommend charges in submission of pay applications. Judge Walton motioned to approve pay of \$ 100 per any meeting regardless of designation to Tammy Gray and if the AOC does not approve of claims Judge Walton will pay himself. Motion by Walton. Seconded by Suit. Vote as follows: Yea – Walton, Lowe, Wood, Foxworthy, DeAtley, Suit, Flaney. Nay- Brown. Motion carried.

Foxworthy notified the board of the current meeting location will be changed due to dispatch operations relocating to the annex and renovation activities will begin in March 2008. The meetings will be held at the main courthouse pending approval by AOC. The Mayor has approved use of their city annex facilities for meetings if needed.

A motion was made to go into Executive Session to review appraisals at 5:36 PM. Motion by Walton. Seconded by Lowe. All in favor.

No decision can be made while in executive session. Public asked if these are "final, reviewed" appraisals? Vanhook stated the only thing that would be reviewed would be Clay's credentials. This was her work as a professional to submit to the board. Public comment: Normally on government projects to appraisals are reviewed by someone. Vanhook: There is not a requirement in our regulations other that the board's action.

A motion was made to go out of Executive Session at 6:34 PM. Motion by Flanery. Seconded by Walton. All in favor.

The appraisals are not complete at this time. A motion was made for Mary M. Clay to complete the appraisals to present at the next meeting. Motion by Brown. Seconded by Lowe. All in favor.

Foxworthy asked for any comments from public. Flanery inquired about the meeting with Kentucky Heritage Council on January 11, 2008. He stated that he was not informed the meeting was still being held and would have attended if notified. Foxworthy stated the KHC could not attend the PDB meeting as requested in a response letter sent to Darrell Crawford, President of Fleming County Historical Society, on January 3, 2008 regarding the KHC's meeting request and the council continued with their assessment anyway. Suit referred to a faxed letter from the KHC dated January 15, 2008 and that someone had to show them the properties. Foxworthy stated he did what he thought was right which was to give the information to the KHC and that KHC requested to be shown the potential site locations. Crawford stated he was contacted by the KHC after the council saw an article in the Lexington Herald and briefly discussed his conversation with the council. Suit stated he would have also attended if asked and that KHC's letter indicated Foxworthy showed them site limitation, parking limitation and their favors of sites (in and out of downtown). Suit stated the letter seemed to indicate the board had taken a vote or intention in demolition of the hotel. Foxworthy stated KHC has made own their assumptions. Crawford stated the KHC told him they just wanted to look around at sites. Suit discussed his letter and conversation with Ms. Mers regarding the hotel and backyard area. Foxworthy stated that KHC was invited to this meeting and the day before they came, they called and he was not going to tell them not to come. Walton stated there is nothing wrong with discussing the sites and that opposing views seems to be off limits. Suit stated we were advised there was to be a meeting. Walton stated he never believed there was going to be a meeting nor would he attend cause it would be a clear violation of open meeting law. He doesn't go to meetings just because someone says so nor did anyone else. Vanhook believes the County Judge/Executive is chairperson and KHC respected board by contacting him. They were asking for only public records and references they implied in their letter and their assessment of what they know of our public record. There certainly was not a meeting and KHC was apologizing to him for not being able to attend tonight's meeting. Vanhook thinks things were handled appropriately and the County Judge/Executive is our point of contact for all business. Foxworthy asked for questions or comments.

Sam Howard, Trace Creek Construction, presented a rough budget estimate for demolition of potential site locations. No architectural or environmental assessment is included. Nothing indicates these buildings are going to be torn down. Estimate includes sewer, gas, water, electric and telephone services relocated. Estimate totals \$ 414,100.00. Public asked if which properties were included in estimate. Howard stated each property location corresponds with previous assigned location numbers. Public asked if any locations were on West Main Street? Howard: Yes Public asked if any locations for East Main Street? Howard: No, the last board meeting, East Main Street was not selected and ruled out and documented as such. Walton: There were no board members in favor of an East Main Street site and we moved on. Public: we did not recall a "no" vote on East Main, just no appraisal to be done. Flanery: Option 1, 2, 3 were presented. Option 3 was East Main. The

prior meeting it was discussed to review the south side of East Main and only the north side was reviewed. Flanery asked Vanhook about his statement of flood plain on north side. Vanhook: This board has moved on from East Main Street
Walton: Let's make a decision or re-vote or whatever to get on with this East Main discussion. Foxworthy re-read previous motion regarding East Main Street with zero votes. Walton: Why would we get an appraisal done? Flanery: I expected to see an option on the south side of East Main and surprised it was not done.
Vanhook: I will not approve the East Main considerations from my office at AOC.
Flanery: Are you saying the north side or south side? Vanhook: Next to Dairy Queen – No. Other side, the way it was configured and the way it might have been if it was supported by the board, I would have to give consideration. But at this point, from what actions that I see by the board, the East Main is not on the list anymore. The best interest of the courts/community and the value of trying to get out of a flood condition and restructure terracing of property on that site will be significant and wouldn't be approvable after more evidence is collected and studied. The architect does a good job with information on priority sites. Vanhook believes we are past East Main and he believes the architect will agree that the best interest of the project would not benefit from south side of East Main. Foxworthy stated that he thought everyone had agreed on the West Main location to include the jail and hotel was best and voted on to assess the location. Foxworthy asked for any further discussion involving hotel and jail. Foxworthy stated it was clear they do not want to sell the hotel and the only other option to get hotel is condemnation. Suit stated the architect presented a view utilizing the backyard of hotel and not taking the building. Walton is not in favor of use the backyard or tearing down old buildings and another design proposal is needed to make it work. Foxworthy asked for votes regarding using the backyards? Vote as follows: Walton – No, Lowe – No, Wood – only if backyard utilization is safe and functional and he assumed the jail would have to go. Foxworthy – no backyard, no condemnation, Suit – backyard is just small piece and if fits guidelines ok to take and use and takes same position as Wood. DeAtley – no condemnation, Flanery – agrees with Wood, Brown – jail can go, without taking hotel it may not look right, ok with Water Street location and supports condemnation. Foxworthy asked, Do we want vote taken to move onto another location?

Public asked if money was saved on the property purchase or demo, can it be used for something else or lost funding. Vanhook stated the site acquisition and site development are separate budget line items. Demo costs are in association with site development. The idea of saving money from one column to the other is a board decision, they process a budget of the dollars appropriated and if we can manage those then we can submit to them for approval of their use in other areas of the building. Buying land for less value takes less pressure off the budget, but again these budgets were prepared before the market prices increased. Savings and efficiencies in our budgets are going to be a mandate for the board regardless.

Suit inquired about the status of legislative funding for courthouse projects. Vanhook stated that to date, they have never failed to fund a project which is authorized to go forward. Whether or not they pick and choose something this term to reconsider how they are going to fund it he does not know. They are obviously talking of tight circumstances and asking for consideration on everyone's part, they

may fund the projects and ask to squeeze the dollars. But to date, they have never failed to process what they are had already authorized. Carlisle County has different emergency circumstances.

Foxworthy recommended a motion to move onto assessing another location and stated we need to act and thinks it is futile to continue with current site and the only way to see how everyone feels is to vote. Walton: Before a vote can be held, the board needs establish the findings to determine locations downtown are feasible or not, as per AOC regulations. The presumption is that the new judicial center will be in downtown area near courthouse unless findings are not feasible. Flanery: Option two: West Water Street has not been eliminated and needs to be revisited. Foxworthy asked if anyone is interested in West Water Street. Vanhook stated, there is a point that if you said, this is the site we are going to build like this, obviously that's got to be submitted for evaluation from a standpoint as to what its impact is. Tonight's information of appraisals (though incomplete), estimate of cost associated with sites we are looking at, along with other components not discovered in evidence is how would the building fit on that site under difference considerations such as: condemnation or not condemnation, don't tear it down, build where we can accept tearing something down, that should be our focus. The board should ask architect: can a reasonable floor plan be utilized with choice of location and if we include without condemnation, show us what vision would make it work, that focuses architect to a schematic phase that focuses on sites that will present evidence whether either we like that site or not able to fathom it working like that. Then you have gathered all evidence to say, 1. Not a functional building 2. Doesn't fit on site 3. Encroaches on all characteristics of downtown. Then you can say: we thoroughly studied and decided on priority site, then make a recommendation to approve or move onto another site. Walton asked if Community Trust Bank withdrew all property, is it completely out of the picture? Foxworthy stated that when he asked about it, they stated there was no way they could sell it for what they would have to sell it for. Vanhook asked if an appraisal was done on the bank. Foxworthy: No, only green space and parking area. Foxworthy asked if the board wanted to re-visit with CTB. Lowe stated the Dudley House is in middle of historical buildings. Public asked if anyone was going to rehabilitate the two structures if left standing by new building? And that they could become eyesores. Walton: There are plenty of eyesores around, but these are two occupied buildings and not vacant. Foxworthy: We will not have any control over maintenance. Public: Will new center match existing structures style and that a modern building would not look right. Vanhook: He thinks the architects are committed to that and have spoken to that effect and previous studies have reflected the board's compliance with design. Wood asked to review the presentation boards and the need to decide whether or not we are going to tear down any buildings either tonight or next meeting. Foxworthy agrees. Walton asked about the flower shop, law office and green space for a potential site. Foxworthy stated they (flower shop, law office) had not been offered. Walton stated they also have not been incorporated into design review yet Public stated the hotel has not been offered either and you should ask them. Vanhook stated these public hearings are about allowing people to speak up say how they felt about where the building will go and if they have a piece of property to offer for sale. If someone didn't offer their property if doesn't mean this board wouldn't want to send out an agent to say we

want to negotiate with you, we decided this is a better site. The board should be more inclined to be trying to say the "best" spot for it instead of sites "offered". The bank's corner is excellent. But we don't know what limitations it has. The most appropriate spot to build it is what we are trying to get our decision making around. Not just because someone offered it. We did an appraisal on property that is not offered to find out a fair market value which a decision is making tool. There are other sites downtown if we approached it from that standpoint rather than willing or wanting to sell. Foxworthy asked Walton if he knows of anyone who is interested in selling. Walton stated no but he would inquire. The McCartney's are willing to sell but while demo of that building while preserving the hotel can be civil engineering mess. Foxworthy asked if the wall is shared or not? Harn did not know for sure but advised the cost of retucking the existing hotel wall would be expensive.

Brandstetter Carroll's site presentation boards with the three previous options were reviewed by board members in conjunction with estimated demo costs. The West Main Street Option B discussion included visual presence of building if set back from street. The cost associated numbers need to be reviewed by Brandstetter Carroll and Trace Creek for budget compliance. Estimates reflect site development costs could be used up just to get ground exposed. The savings in demo and acquisition costs in leaving the hotel and McCartney building was discussed. Vanhook stated the affordability and attractiveness with leaving the buildings needs to be looked at and if surrounding sites are still valid. Mike Carroll asked if the alley can be closed between the church and jail. Discussed regarding zoning requirements of setback of walkway in downtown area were discussed. The Fleming County Fiscal Court has not been asked if they are interested in selling the jail. Public topics of discussion were: civic responsibility, loss of focal point damaging community cohesiveness and businesses, years of erosion of downtown area and downtown revitalization efforts. Public stated this is a "public" building, architect's presentation of an option to leave buildings and getting a new center downtown will help in revitalization, community benefits as a whole and mistakes made in the past can be corrected. Foxworthy asked for a show of hands supporting a downtown location from the public. Foxworthy stated if we have to make this decision to build around other properties it is not a good idea and he is against condemnation. Public comment made that the building would look great on bypass. Walton asked about contacting Community Trust Bank, flower shop and law office on Main Cross to see if they are interested in selling. Flanery stated the options accepted at last meeting did not include discussion regarding condemnation. Suit stated the final appraisals are needed to review.

Vanhook stated: Option 3 (West Water) the street is too narrow so no setback will be available and underground utilities will have a cost impact. We need a schematic floor plan of building at scale and general proposed elevation study to determine if this site is feasible. In the interest of AOC for final approval, a functional plan that works with concepts of surrounding buildings. The potential of growth in the court systems could affect the impact of getting a site that would allow for growth. The best interest of the courts will decide.

Public asked if a deadline for decision had been set and if an alternate site can be selected. Vanhook stated no deadline was set and that we need to show steady progress and he hasn't seen anyone come before a meeting and offered a package deal from citizens who want to sell due to no site being selected. Public stated yes there was an effort in the East Main Street properties. Vanhook stated AOC's regulation is to go downtown when viable and if someone comes up with a proposal to submit the information to Foxworthy. Public topic of discussion: current hotel conditions, its occupancy and it being one of the most historical buildings in town. Public asked if the board considered taking the green space and just one building and they were informed by Brandstetter that the lots would not be wide enough. Wood asked if the bank property is in flood zone. Brandstetter responded yes a portion of the lot.

A motion was made to consider South Main Cross locations of Community Trust Bank, flower shop, law office while utilizing the green space for potential judicial location with Brandstetter's assessment to review at next meeting. Motion by Walton. Seconded by Wood. All in favor.

Discussion was continued by Flanery regarding Option 2. Brandstetter does not recommend Option 2 due to alley size and due to visual presence in town. Brandstetter asked if the board wanted a revised Option A only utilizing the backyard of the hotel. Suit stated the property line connects with the jail. Foxworthy asked board members who was in favor of pursuing West Main Street location. Walton stated either West Main or South Main should be considered. Suit stated to leave the two buildings and take the yard. Board discussed who would contact property owners of CTB, flower shop and law office to see if they are willing to sell. A motion was made to authorize the Chairperson and/or Co-Chair to contact Community Trust Bank, flower shop and law office for option to consider for judicial center. Motion by Walton. Seconded by Wood. All in favor.

Vanhook recommend instructing Sam Howard, Trace Creek Construction, to analyze demo costs for additional sites. Mr. Howard is aware of request. Vanhook stated progress must be shown and commitment to the process.

Public asked if a decision was being made for condemnation. Vanhook stated the Fiscal Court would have to approve of condemnation and AOC would abide with their decision and has not overruled any decision of a fiscal court. DeAtley stated neither he nor Foxworthy would speak for Fiscal Court members. It was asked if the bank is not torn down, can the building still fit onto site. The response will not be known until assessment is completed. The alley could help with size accommodation.

The next regular meeting will be held on February 5, 2008 at 5:00 PM at the courthouse annex building.

Adjournment

A motion was made to adjourn the meeting at 8:28 pm Eastern Time. Motion by Judge Stockton Wood. Seconded by Louie Flanery. All in favor.